

April 21, 2008

Federal Communications Commission

Dear Federal Communications Commission,

FCC PROPOSED RULE CHANGES:

The FCC is considering changing the messages brought by radio stations which could adversely affect Christian and other religious radio broadcasting, along with the constitutional rights of American citizens. The proposed new rules would require advice from community advisory boards which represent the listeners from the local area of a radio station. These advisory boards would help in dictating what was put on air and radio stations could be forced to promote media that they did not support or wish to communicate.

For Christian and other religious radio stations, this would be a great disadvantage. They are not like televised public access channels, in that they are ministerial, much like a church, which is also publicly accessible. The government can not legally force certain messages to be spoken from a pulpit. Simply because a radio station is public access doesn't mean that the federal government can force it to broadcast messages it doesn't find appropriate. A radio station is just as "publicly accessible" as a church. If the government can't interfere with a church service, what difference is there in tampering with the messages brought by a religious radio station designed as a ministry?

If a radio station must support the views of a public advisory board it violates the constitutional rights of the station's staff and audience. By the 1925 Supreme Court decision of *Gitlow v. New York**, the 1st Amendment applies to the states by due process provided by the 14th Amendment. If the public finds the speech from a radio station offensive it gives them no right to silence it. In another Supreme Court decision, *Texas v. Johnson* (1989) **, the court decided that the "Government may not prohibit the expression of an idea simply because society finds the idea offensive or disagreeable." In this case they also found that "state officials didn't have the right to designate symbols to be used to communicate only limited sets of messages." That is precisely what the proposed new rules may accomplish! Whether or not the issue of these radio stations being religious is an issue, the way that government will have control over them violates constitutional rights. Individuals have the right by the first amendment to speak freely no matter what another individual says about it (i.e. what these proposed advisory boards would say), and as we all know, this is a fundamental value of America.

I appreciate the willingness and consideration of the Federal Communications Commission to understand the public's opinion on this issue. Please maintain the justice and freedom provided by the constitution. It applies to us all, and although some of the representation provided by advisory boards would seem fair and representational of the general community, free speech is still a right, which must not be violated for anyone, whether it is just one person or entire group. As a part of the United States Government, it is your job to uphold this nation's values, please continue to do so. Thank you.

Sincerely,

Gari Sue Haddock

* The Oyez Project, *Gitlow v. New York*, 268 U.S. 652 (1925), available at: <http://www.oyez.org/cases/1901-1939/1922/1922_19/> (last visited Monday, April 21, 2008).

** The Oyez Project, Texas v. Johnson, 491 U.S. 397 (1989),
available at: <http://www.oyez.org/cases/1980-1989/1988/1988_88_155/>
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